

**APPLICATION FOR ALLOCATION OF  
NEW CLEAN RENEWABLE ENERGY BOND VOLUME CAP - SAMPLE**

Internal Revenue Service  
TEB CREBs Allocations  
1122 Town & Country Commons  
St. Louis, Missouri 63017

The following constitutes the application ("Application") of (Name) (the "Applicant") for allocation of new clean renewable energy bond ("New CREB") volume cap under Section 54C(c) of the Internal Revenue Code (the "Code") (unless otherwise noted, section references herein are to the Code) to finance the project described below. *(If a single Application is used to request New CREB volume cap for more than one project, then all of the required information in the Application must be provided separately for each project.)*

**1. Name of Applicant/Issuer** Any Town MA  
  
Street Address 45 Main Street  
  
City Any Town State MA Zip 01010  
  
Telephone Number 888-900-8889 Fax Number 888-900-8899

**2. Status of Issuer** – *(Select as appropriate)*

The Applicant/Issuer is a "qualified issuer" under section 54C(d)(6) because it is --

(i) a "clean renewable energy lender" that is a cooperative owned by, or has outstanding loans to, 100 or more cooperative electrical companies and was in existence on February 1, 2002, or is an affiliate that is owned by such a lender, as demonstrated by the attached documents included as Exhibit D.

(ii) a "cooperative electric company" that is a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C), as demonstrated by the attached documents included as Exhibit D, including a copy of the determination letter previously obtained from the IRS, if any (or other relevant documents).

(iii) ☒ a "governmental body" that is a State, possession of the United States, District of Columbia, Indian tribal government, or any political subdivision of the foregoing, as demonstrated by the attached documents included as Exhibit D. *(Supporting documents are not required to be attached for governmental bodies that are general purpose governmental entities with substantial taxing, eminent*

domain, **and** police powers such as generally a county, city, municipality, township, or borough.)

(iv) a “public power provider” that is a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on October 3, 2008), as demonstrated by the attached documents included as Exhibit D.

(v) a “not-for-profit electric utility which has received a loan or loan guarantee under the rural Electrification Act,” as demonstrated by the attached documents included as Exhibit D. For this purpose, supporting documents should include copies of the articles of incorporation and bylaws of the not-for-profit electric utility, and of the loan or loan guarantee documents.

### 3. Name of Qualified Renewable Energy Facility Owner

Any Town MA \_\_\_\_\_

Street Address 45 Main Street \_\_\_\_\_

City Any Town State MA Zip 01010 \_\_\_\_\_

Telephone Number 888-900-8889 Fax Number 888-900-8899 \_\_\_\_\_

### 4. Status of Owner – (Select as appropriate) The Owner is a qualified entity under section 54C(d)(1) because it is --

- (i) a qualified owner under section 54C(d)(4) that is a mutual or cooperative electric company under section 501(c)(12) or section 1381(a)(2)(C), as demonstrated by the attached documents included as Exhibit D, including a copy of the determination letter previously obtained from the IRS, if any (or other relevant documents).
- (ii) ☒ a qualified owner under section 54C(d)(3) that is a “governmental body” and is a State, possession of the United States, District of Columbia, Indian tribal government, or any political subdivision of the foregoing, as demonstrated by the attached documents included as Exhibit D. *(Supporting documents are not required to be attached for governmental bodies that are general purpose governmental entities)*

*with substantial taxing, eminent domain, and police powers such as generally a county, city, municipality, township, or borough.)*

- (iii) a qualified owner under section 54C(d)(2) that is a “public power provider” and is a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on October, 3 2008), as demonstrated by the attached documents included as Exhibit D. For this purpose, supporting documents should include copies of the articles of incorporation and bylaws of the not-for-profit electric utility, and of the loan or loan guarantee documents.

**5. Name of Qualified Renewable Energy Facility.** Any Town MA Town Hall PV System

**6. Detailed Description of the Qualified Renewable Energy Facility.** A reasonably detailed description of the qualified renewable energy facility (the “Project”) is set forth below or in attached Exhibit A, including reasonably expected costs of components, such as land, site prep, equipment, installation, other dedicated facilities such as transmission, Project capacity and projected or expected use of the power produced at the Project:

**7. Qualified Renewable Energy Facility.** The Project is a “qualified renewable energy facility” within the meaning of section 54C(d)(1) of the Code because it is a “qualified facility” (as determined under section 45(d) of the Code without regard to section 45(d)(8) and (10) and to any placed in service date) that is (*select as appropriate*)--

(1) a wind facility – a facility using wind to produce electricity;

(2) a closed-loop biomass facility – a facility using closed-loop biomass (as defined in section 45(c)) to produce electricity or, if owned by the taxpayer prior to January 1, 2008, a facility using closed-loop biomass to produce electricity which is modified to use closed-loop biomass to co-fire with coal, with other biomass, or with both, but only if the modification is approved under the Biomass Power for Rural Development Programs or is part of a pilot project of the Commodity Credit Corporation;

(3) an open-loop biomass facility – a facility using open-loop biomass (as defined in section 45(c)) to produce electricity and in the case of a facility using agricultural livestock waste nutrients, the nameplate capacity rating of which is not less than 150 kilowatts;

(4) X (solar) a geothermal or solar energy facility – a facility using geothermal energy (as defined in section 45(c)) or solar energy to produce electricity (not including a facility

described in section 48(a)(3) the basis of which is taken into account by the taxpayer for purposes of determining the energy credit under section 48 of the Code);

(5) a small irrigation power facility – a facility using small irrigation power (as defined in section 45(c)) to produce electricity;

(6) a landfill gas facility – a facility producing electricity from gas derived from the biodegradation of municipal solid waste (as defined in section 45(c));

(7) a trash combustion facility – a facility that burns municipal solid waste (as defined in section 45(c)) to produce electricity;

(8) a qualified hydropower facility – a facility engaged in qualified hydropower production (as defined in section 45(c)); or

(9) a marine and hydrokinetic renewable energy facility – a facility producing electricity from marine and hydrokinetic renewable energy (as defined in section 45(c)) with a nameplate capacity of at least 150 kilowatts.

8. **Construction Commencement Date and Placed in Service Date.** The Borrower begun or expects to begin the construction, installation and equipping of the Project on 3/1/10. The Borrower expects that the Project will be placed into service on or before 5/1/10.

9. **Independent Engineer's Certificate:** *(If the Application is for more than one Project, a separate certificate must be included for each Project.)* Attached as Exhibit B hereto is a certification by an independent, licensed engineer to the effect that the Project will be a "qualified renewable energy facility" within the meaning of section 54C(d)(1) and a "qualified facility" within the meaning of section 45(d) of the Code (without regard to section 45(d)(8) and (10) of the Code and to any placed in service date), and that the project is technically viable and will produce electricity.

If the project is a **qualified hydropower facility** under section 45(d)(9)--

- a. producing incremental hydropower production, then the engineering certificate also must state that the project consists only of efficiency improvements or additions to capacity that produce additional production as described in section 45(c)(8)(B) based on a methodology that would meet Federal Energy Regulatory Commission (FERC) standards; or
- b. that is a nonhydroelectric dam under section 45(c)(8)(C), then the engineering certificate also must state that the facility, when constructed, (a) will meet FERC

licensing requirements and other applicable environmental, licensing and regulatory requirements, and (b) will be operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

**10. Location of the Project:**

Project address or physical location (do not include postal box numbers or mailing address) 45 Main Street

City Any Town State MA Zip 01010

County where Project is located Morris County

**11. Individual to contact** for more information about the Project:

Individual Name John Doe

Company Name Any Town MA

Street Address 45 Main Street

City Any Town State MA Zip 01010

Telephone Number 888-900-8889

Fax Number 888-900-8899

Email Address john.doe@internet.org

**Comment [ML1]:** Does not have to be same as signatory; should be person who knows the most about the project.

*(Include as appropriate)* The contact person is not an authorized official or officer of the Issuer and a properly executed Form 8821 is included with this Application that authorizes the disclosure by the IRS of information that relates to this Application and the Project(s) described above to the contact person.

**12. Regulatory Approvals.** Identify each regulatory body, the action that must be taken, status of any pending action and the remaining timeframe required to obtain each required approval such as a FERC approval, or siting permits. The plan of the Applicant for obtaining such approvals is as follows: Attached as Exhibit E is a plan for Regulatory Approvals.

**13. Plan of Financing.** Include a reasonably detailed description of the plan of financing for the Project, including all reasonably expected sources and uses of financing and other funds, the status of such financing, the anticipated date of bond issuance, the sources of security and repayment for the bonds, the aggregate face amount of bonds expected to be issued for the Project, and the issuer's reasonably expected schedule for spending proceeds of New CREBs. **Attached as Exhibit C is a plan of financing for the Project.**

**14. Reimbursements.** *(For reimbursements, include the following statement.)* The Issuer intends to use the proceeds of New CREBs to reimburse costs of the Project in accordance with section 54A(d)(2)(D).] *(In addition, the Issuer must demonstrate that the requirements of § 54A(d)(2)(D) will be met.)*

**CREBs will not be used for reimbursement.**

**15. Dollar Amount of Allocation Requested for the Project.** To finance the Project, the Applicant hereby requests a New CREB allocation in the amount of \$ **275,000**

**Comment [ML2]:** See explanation provided for illustrative purposes only on Exhibit C

**16. Prior Allocations for the Project or Related Project.** *(If the Project or any Related Project (as defined in section 3.f.(iii) of this notice) previously received an allocation of CREBs volume cap under section 54 of the Code, then this paragraph must include a statement to that effect.)*

*[If applicable, include the following statement: On (Insert date), the Project previously received a CREBs volume cap allocation in the amount of \$ **N/A**. A copy of the IRS allocation letter for that allocation is attached.]*

*[If applicable, include the following statement: On (Insert date), a Related Project previously received a CREBs volume cap allocation in the amount of \$ **N/A**. A copy of the IRS allocation letter for that allocation is attached.]*

**17. Other Allocation Requests for Related Projects to the Project.** Included below are descriptions of other projects that are Related Projects (as defined in paragraph 16 above) to the Project for which the applicant or other entities are applying for a CREB volume cap allocation. With respect to an applicant on a Related Project other than the Applicant, set forth below are the names, addresses, contact persons, and telephone numbers for any such applicant.

**N/A**

**18. Pooled Financing Bonds.** *(If the issuer expects to use the requested allocation of New CREB volume cap as part of a pooled financing bond within the meaning of section 149(f), then the issuer should include the undertaking noted below.)*

[The Applicant Issuer expects to use the requested allocation for New CREBs volume cap in a pooled financing bond within the meaning of section 149(f), and the Issuer expressly agrees that it will obtain a written loan commitment for all borrowers from the issue of New CREBs to which the requested allocation relates before the issue date of that issue.]

N/A

I hereby certify that I am an authorized officer or official of the Applicant and am duly authorized to execute legal documents on behalf of the Applicant in connection with incurring debt and that I am duly authorized to execute legal documents on behalf of the Application in making this Application. Under penalties of perjury, I declare that (i) I have knowledge of the relevant facts and circumstances relating to this Application and the Project(s), (ii) I have examined this Application, and (iii) to the best of my knowledge and belief, all of the facts contained in this Application are true, correct and complete.

**Comment [ML3]:** This should be, e.g. mayor, town administrator, chair of city council, chair of select board

By: John Doe

Name and Title: Any Town Administrator

Date: 8/4/09



## EXHIBIT A

### DESCRIPTION OF THE PROJECT (RESPONSE TO QUESTION 6 OF THE APPLICATION)

Any Town, MA proposes a 100 kilowatt photovoltaic grid for their Town Hall building on 45 Main Street to begin to reduce the energy use of the town government. This project is expected to produce 122,000 kWh annually and all of the electricity used will be used for Town Hall.

The photovoltaic installment will utilize low angle support racks of a non-roof penetrating design. The roof has large unobstructed open areas that can be utilized to array significant surface areas of PV modules. The roof is flat and has an approximate 100% solar window for the photovoltaic panels.

See attached feasibility study

The allocated CREBs of \$275,000 will be used to purchase and install the Town Hall's photovoltaic panels for the 30,000 square foot building as well as connect the panels to the building's electric grid. The panels are expected to be installed in the Spring of 2010, after the CREBs are allocated.

**Comment [ML4]:** Not required, but if a feasibility study is available, it should be included; at a minimum, some level of feasibility assessment should be provided, which will be required by licensed engineer to verify project is feasible

**EXHIBIT B**  
**ENGINEER'S CERTIFICATE**  
**(RESPONSE TO QUESTION 9 OF THE APPLICATION)**

Dated: August 4, 2009

This certificate is being provided to the Internal Revenue Service ("IRS") in connection with an application (the "Application") by [*Name of Applicant Issuer:* Any Town MA] (the "Issuer") to the IRS requesting an allocation of volume cap authority to issue new clean renewable energy bonds ("New CREBs") under section 54C of the Internal Revenue Code, as amended (the "Code"). The New CREBs are being issued to make a loan to [*Name of the qualified renewable energy facility owner:* Any Town MA] (the "Owner"), to finance the costs of certain qualified renewable energy facility or facilities described more particularly in the Application (the "Project"). The undersigned hereby certifies as follows:

1. I am an independent, licensed engineer, duly qualified to practice the profession of engineering under the laws of the State of Massachusetts, and I am not an officer or employee of the Issuer or the Borrower.

2. I have reviewed the Application for a New CREBs volume cap allocation (including the exhibits thereto) of the Issuer of even date herewith describing the Project. To the best of my knowledge, information, and belief, the Project will meet the requirements to be a "qualified renewable energy facility" under section 54C(d)(1) of the Code and correspondingly a "qualified facility" under section 45(d) of the Code (determined without regard to section 45(d)(8) and (10) of the Code and without regard to any placed in service date).

[(*Include as applicable*) To the best of my knowledge, information, and belief, the Project is a qualified hydropower facility under section 45(d)(9)—N/A

- a. producing incremental hydropower production consisting only of efficiency improvements or additions to capacity that produce additional production as described in section 45(c)(8)(B) based on a methodology that would meet Federal Energy Regulatory Commission (FERC) standards. *or*
- b. that is a nonhydroelectric dam under section 45(c)(8)(C) and the facility, when constructed, (a) will meet FERC licensing requirements and other applicable environmental, licensing and regulatory requirements, and (b) will be operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any

license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.]

3. To the best of my knowledge, information and belief, the Project is technically viable and, when constructed, will produce electricity.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on the date of this Engineer's Certificate.

Seal and/or License number: MA 24246

By: Jane Smith, P.E.

Name and Title: Senior Engineer

Company: Any Town Engineering Consultants

## EXHIBIT C

### PLAN OF FINANCING (RESPONSE TO QUESTION 13 OF THE APPLICATION)

<u>Uses</u>		<u>Sources</u>		<u>Application Status</u>
Project Costs	\$700,000	CREBs	\$275,000	Pending
Bond Issuance Costs	\$20,000	Comm Solar	\$415,000	Pending
		EECBG	\$30,000	Pending
<b>Total Cost</b>	<b>\$720,000</b>	<b>Total</b>	<b>\$720,000</b>	

**Comment [ML5]:** See explanation below

**Comment [ML6]:** Based on Comm Solar rebate of: \$3 base, \$1 Public Bldg Adder, and \$.15 MA Component adder per watt for 100 kW system.

#### **Finances:**

CREBs via Any Town MA

Commonwealth Solar Grant [www.masstech.org/solar](http://www.masstech.org/solar)

Energy Efficiency and Conservation Block Grants (EECBG) Sub Grants from the Massachusetts Department of Energy Resources

**Comment [ML7]:** If you already have a grant, you can include a copy of the approval letter

**Anticipated Date of Bond Issuance:** The Bond is expected to be issued within 1 year of allocation award, but not later than 3 years from allocation award.

**Bond Repayment Source:** Bonds will be repaid in equal annual installments based on the maximum allowable term for the CREBs.

**Bond Security Source:** It is anticipated that Bonds will be payable from all unrestricted general revenue of Any Town MA and secured by a lien on the project equipment. Additional security (i.e. credit enhancement) may be required by some bond purchasers but this may not be necessary considering the significant over-collateralization and relatively small loan size.

**Anticipated Schedule for Spending Bond Proceeds:** It is anticipated that the bond proceeds will be spent within a year of the CREBs allocation award. This allows time to coordinate and finalize other funding sources, and solicit a bid and contract with a vendor to design and construct the installation.

#### Explanation for CREBs request (NOT Part of Exhibit C/Application)

100 kw system x 8760 hrs/yr x .14 Capacity Factor = 122,640 kwh/yr  
 122,640 kwh/yr x \$.15/kwh = \$18,396/yr in avoided energy cost/savings  
 \$18,369/yr x 15 years = \$275, 940

**Comment [j8]:** This is NOT part of the application; this is just to illustrate how to consider what to request for CREBs.

**EXHIBIT D**

**DOCUMENTS REGARDING ISSUER OR BORROWER ORGANIZATIONAL STATUS  
(RESPONSE TO QUESTION 2 OR 4 OF THE APPLICATION, AS APPLICABLE)**

(Attached hereto)

Not Applicable

**EXHIBIT E**  
**Plan to Obtain Regulatory Approvals**  
(Question 12)

**Federal:**

- *National Electric Code:* Verification and certification of design components to satisfy the National Electrical Code (NEC) Requirements (IEEE 929, P1547) will be maintained during all system design phases.

**State:**

- *State Building Code:* Professional licensed engineer certification and stamping of roof drawings regarding sufficient load strength to support the PV installation per Massachusetts Building Code Requirements will be attained.
- *Electric Safety Code Requirements:* P.E. Engineer certification and stamping of system design drawings to satisfy all state and local electrical safety code requirements will be attained.
- *Roof Strength:* The dead load strength of the roof will need to be ascertained by a PE prior to solar installation.

**Local:**

- *Electric Inspection Review:* Local (city) electrical inspector review and approval of built system will be attained during the final phases of the project.
- *Local Utility Supplier:* Balance of System component interconnection agreement and commissioning with local electricity supplier will be attained.

Based on the regulatory review done by the consultant in preparing the feasibility study, no barriers are foreseen for obtaining these approvals.

## APPENDIX B

### CONSENT TO PUBLIC DISCLOSURE OF CERTAIN CLEAN RENEWABLE ENERGY BOND APPLICATION INFORMATION

**Comment [ML9]:** This Appendix is not required, but allows IRS to publish allocation of award

In the event that the Application of *[(Insert name of applicant here): Any Town MA]* (the "Applicant") for an allocation of authority to issue new clean renewable energy bonds ("New CREBs") under section 54C of the Internal Revenue Code is approved, the undersigned authorized representative of the Applicant hereby consents to the disclosure by the Internal Revenue Service through publication of a Notice in the Internal Revenue Bulletin or a press release of the name of applicant (issuer), the name of the qualified renewable energy facility owner (if other than the issuer), the type and location of the facility that is the subject of the Application, and the amount of the allocation, if any, of volume cap authority to issue New CREBs for such facility. The undersigned understands that this information might be published, broadcast, discussed or otherwise disseminated in the public record.

This authorization shall become effective upon the execution thereof. Except to the extent disclosure is authorized herein, the returns and return information of the undersigned taxpayer are confidential and are protected by law under the Internal Revenue Code.

I certify that I have the authority to execute this consent to disclose on behalf of the taxpayer named below.

Date: 8/4/09 Signature: \_\_\_\_\_

Print name: John Doe

Title: Any Town Administrator

Name of Applicant-Taxpayer: Any Town MA

Taxpayer Identification Number: 999-88-9898

Taxpayer's Address: 45 Main Street  
Any Town, MA 01010

Note: Treasury Regulations require that the Internal Revenue Service must receive this consent within 60 days after it is signed and dated.